



**City of Bellevue  
Development Services  
Staff Report**

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**Proposal Name:** Lalji Residence

**Proposal Address:** 78 Cascade Key

**Proposal Description:** A proposal for a Critical Areas Land Use Permit to build a nonstructural stair and path within a critical areas shoreline structure setback that connects an existing terrace.

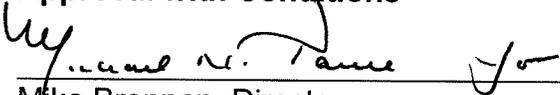
**File Number:** 08-114661-LO

**Applicant:** Najma Lalji

**Decisions Included:** Critical Areas Land Use Permit  
(Process II. LUC 20.30P)

**Planner:** Heidi M. Bedwell, Land Use Planner

**State Environmental Policy Act  
Threshold Determination:** **Determination of Non Significance**

**Director's Decision:** **Approval with Conditions**  
  
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Mike Brennan, Director  
Development Services Department

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Application Date: 4/24/2008

Notice of Application Publication Date: 3/12/2009

Decision Publication Date: 5/28/2009

Project/SEPA Appeal Deadline: 6/11/2009

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For information on how to appeal a proposal, visit Development Services at City Hall or call (425) 452-6800. Comments on State Environmental Policy Act (SEPA) Determinations can be made with or without appealing the proposal within the noted comment period for a SEPA Determination. Appeal of the Decision must be received in the City's Clerk's Office by 5 PM on the date noted for appeal of the decision.

## I. Background

### A. Project Description:

The applicant is proposing to build a nonstructural stair and path within a critical areas shoreline structure setback that connects an existing terrace. The proposal will involve the installation of approximately 71 square feet of impervious area within the shoreline structure setback. The existing paths to the dock are to remain. The proposal includes buffer and setback enhancement mitigation with native and ornamental plants to add structural and compositional diversity to improve existing conditions within the remaining buffer and setback area.

The Critical Areas permit is required per LUC 20.25H.015B when a proposal involves disturbance to or modification of the critical area, critical area buffer, or critical area structure setback. The subject proposal will involve disturbance to the critical area structure setback. No modification of the buffer or structure setback dimensions are proposed.



## II. Site Description, Zoning, Land Use and Critical Areas

### A. Site Description, Land Use and Zoning

The property, shown below, is located at 78 Cascade Key. This site is in the Factoria Comprehensive Plan Subarea. The zoning of the property is R-2.5 and the Comprehensive Plan designation is single-family medium. The subject property is located on the Lake Washington shoreline and the site slopes gently downhill from east to west. The site contains an existing wood pier, armored rock wall. The west portion of the lot is developed as lawn, a mixture of ornamental plantings, and a concrete pathway. The lot is 27,277 square feet in area. The applicant has an approved clearing and grading permit for the demolition of the existing pool and modifications to the driveway. When demolition of the pool and existing driveway improvements is complete the site will contain less impervious surface than currently exists on the site.

Parcels surrounding the landward boundaries of the site are all single-family residential and all properties in Newport Shores area are developed. Beyond Newport Shores is I-405 and more residential neighborhoods, with some commercial development beyond the interstate. Nearby open spaces are Newcastle Beach Park, approximately 0.15 miles south of the site, and Mercer Slough, about 0.6 miles to the north. Coal Creek runs through Newport Shores approximately 0.3 miles east of the subject site and drains into Lake Washington.

### B. Critical Areas Functions and Values

**Lake Washington Shoreline-** The subject site is along the shores of Lake Washington and as such is subject to the requirements of the Shoreline Overlay District and the Critical Areas Overlay District. Shorelines provide a variety of functions including shade, temperature control, water purification, woody debris recruitment, channel, bank and beach erosion, sediment delivery, and terrestrial-based food. Shorelines provide a wide variety of functions related to aquatic and riparian habitat, flood control and water quality, economic resources, and recreation, among others. Each function is a product of physical, chemical, and biological processes at work within the overall landscape. In lakes, these processes take place within an



integrated system (ecosystem) of coupled aquatic and riparian habitats. Currently, the site is characterized primarily by maintained urban landscape consisting of mowed lawns and few significant trees (see image above).

The Habitat Assessment prepared by The Watershed Company dated February 2008 identified that Puget Sound Chinook and steelhead, both of which are listed species, as well as coho salmon migrate through Lake Washington to reach spawning habitat in the river systems and tributaries. Juveniles of these species could inhabit offshore of the subject site during downstream migration, but the lake area immediately adjacent to the subject site lacks high quality shoreline rearing habitat. Adults of these three species are unlikely to inhabit the nearshore. The presence of Bull Trout has also been documented within Lake Washington. Juvenile bull trout would likely remain in headwater streams until migrating as sub-adults in search of improved foraging opportunities. The presence of juvenile bull trout in Lake Washington is very limited and unlikely, and any sub-adult and adult bull trout in the lake would not be present in the nearshore.

### **III. State Environmental Policy Act (SEPA)**

The environmental review indicates no probability of significant adverse environmental impacts occurring as a result of the proposal. The Environmental Checklist submitted with the application adequately discloses expected environmental impacts associated with the project. The City codes and requirements, including the Clear and Grade Code, Utility Code, Land Use Code, Noise Ordinance, Building Code and other construction codes are expected to mitigate potential environmental impacts. Therefore, issuance of a Determination of Non-Significance (DNS) is the appropriate threshold determination under the State Environmental Policy Act (SEPA) requirements.

### **IV. Consistency with Land Use Code Requirements**

#### **A. Critical Areas Requirements:**

The City of Bellevue Land Use Code Critical Areas Overlay District (LUC 20.25H) establishes standards and procedures that apply to development on any site which contains in whole or in part any portion designated as critical area or critical area buffer. The Critical Areas Overlay District is a mechanism by which the City recognizes the existence of natural conditions which affect the use and development of a property.

Through this section of the Land Use Code, the city imposes regulations on the use

and development of affected property to protect the functions and values of these areas and the public health, safety and welfare, and to allow reasonable use of private property.

## **V. Consistency with Land Use Code Performance Standards:**

**A. Consistency with LUC 20.25E.080.B– Shoreline General Regulations** The Shoreline Overlay District regulations (LUC 20.25E) allow for the construction of a single family residence and associated appurtenances as an exemption (LUC 20.25E.050); however, all applicable performance standards must be met. The proposed stair and walkway is considered an appurtenance and is exempt from Shoreline Substantial Development Permit. The proposed activity meets the performance standards identified in LUC 20.25E.080.B and 20.25E.080.G as required.

The applicant has proposed to mitigate all permanent disturbance within the structure setback with a shoreline buffer and setback enhancement planting. Some grading is necessary to accommodate the new plantings and remove existing turf grass. The installation of native species, including spirea, salal, snowberry and beach strawberry (see planting plan located within the project file for exact quantities), will provide a food source, cover, and perching areas for wildlife, particularly songbirds. The proposal represents a considerable improvement over the lawn and scattered ornamental plants located in the yard.

### **B. Consistency with LUC 20.25H.118 & 20.25H.210– Shoreline – Mitigation and monitoring – Additional provisions:**

City staff have reviewed the proposal and have determined that the proposal meets the criteria in this section of the Land Use code. All construction avoids the 25-foot regulatory buffer on Lake Washington. The regulated 25-foot shoreline buffer will be planted with native species and herbaceous species (see attached planting plan). Presently only concrete and maintained lawn border the rock wall at the shoreline. The addition of native plants will add structural and compositional diversity and create wildlife habitat where none exists. This may attract song birds to the shoreline as well as provide cover for herons, coots and other birds using Lake Washington. (see attached Habitat Assessment). The enhancement plan represents a substantial improvement over existing shoreline conditions.

See Conditions of Approval in Section X.

## **VI. Summary of Technical Reviews**

**A. Clearing and Grading:**

The Clearing and Grading Division of Development Services has reviewed the proposed site development for compliance with Clearing and Grading codes and standards. The Clearing and Grading staff found no issues with the proposed development.

**VII. Public Notice and Comment**

Application Date:	4/24/2008
Public Notice (500 feet):	3/12/2009
Minimum Comment Period (2 weeks):	3/26/2009

The Notice of Application for this project was published in the Seattle times and the City of Bellevue weekly permit bulletin. It was mailed to property owners within 500 feet of the project site. One comment was received and included concern about the lack of overhanging vegetation being provided. See discussion below for response.

**VIII. Decision Criteria**

The proposal, as conditioned below, meets the applicable regulations and decision criteria for a Critical Areas Land Use Permit pursuant to LUC 20.30P.

**A. Critical Areas Land Use Permit Decision Criteria (LUC 20.30P)**

**1. The proposal obtains all other permits required by the Land Use Code;**

**Finding:** The applicant currently has an open permit for the construction of other site improvements outside the shoreline critical area including for the demolition of the existing pool and revisions to the driveway entrance and landscaping. When demolition of the pool and existing driveway improvements is complete the site will contain less impervious surface than currently exists on the site. The site is currently nonconforming to impervious surface with a total of 59% of impervious area. The removal of the pool and driveway improvements is required in order to allow any expansion of impervious surface in the shoreline critical structure setback. The applicant may revise the clear and grade plan to include the path, steps and buffer enhancement plan.

**2. The proposal utilizes to the maximum extent possible the best available construction, design and development techniques which result in the least impact on the critical area and critical area buffer;**

**Finding:** The direct impacts to the critical area structure setback is limited to 71 square feet including a stairway and path and will be mitigated by an approved enhancement plan. Temporary impacts within the structure setback associated with construction will be limited and fully restored.

See Conditions of Approval in Section X.

**3. The proposal incorporates the performance standards of LUC 20.25H to the maximum extent applicable, and;**

**Finding:** The proposed project incorporates all of the applicable performance standards specified in LUC 20.25H. They are addressed in detail in Section V above for the critical areas present within the project area.

**4. The proposal will be served by adequate public facilities including street, fire protection, and utilities; and;**

**Finding:** The proposed single-family residence is currently served by adequate public facilities.

**5. The proposal includes a mitigation or restoration plan consistent with the requirements of LUC 20.25H.210; and**

**Finding:** The mitigation and/or restoration plan associated with the proposal is consistent with the requirements of LUC Section 20.25H.210 and is addressed in detail in Section V above.

**6. The proposal complies with other applicable requirements of this code.**

**Finding:** The site is adjacent to single-family uses whose residents are most sensitive to noise impacts in the evening and on the weekends. Noise impacts will be minimized by limiting work hours as specified in the City of Bellevue Noise Control code, BCC 9.18. The applicant submitted documentation consistent with the requirement to demonstrate compliance with the requirements of LUC 20.30P, 20.25H and 20.20.

**IX. Conclusion and Decision**

After conducting the various administrative reviews associated with this proposal, including Land Use Code consistency, SEPA, City Code and Standard compliance

reviews, the Director of Development Services does hereby **approve with conditions** the proposal to realign an existing concrete pathway and enhance the existing onsite degraded shoreline buffer.

**Note- Expiration of Approval:** In accordance with LUC 20.30P.150, a Critical Areas Land Use Permit is void if the applicant fails to file for a Building Permit or other necessary development permits within one year of the effective date of the approval.

**X. Conditions of Approval**

The applicant shall comply with all applicable Bellevue City Codes and Ordinances including but not limited to:

<u>Applicable Ordinances</u>	<u>Contact Person</u>
Clearing and Grading Code- BCC 23.76	Tom McFarlane, 425-452-5207
Land Use Code- BCC 20.25H	Heidi Bedwell, 425-452-4862
Noise Control- BCC 9.18	Heidi Bedwell, 425-452-4862

The following conditions are imposed under the Bellevue City Code or SEPA authority referenced:

**A. Rainy Season Restrictions:** Due to the adjacent shoreline, no clearing and grading activity may occur during the rainy season, which is defined as November 1 through April 30 without written authorization from Development Services. Should approval be granted for work during the rainy season, increased erosion and sedimentation measures, representing the best available technology must be implemented prior to beginning or resuming site work.

Authority: Bellevue City Code 23.76.093.A,  
Reviewer: Tom McFarlane, Development Services Department

**B. Clearing and Grading Permit:** Prior to initiation of any work the applicant must apply for and obtain a Clearing and Grading Permit or submit a revision to an existing open clearing and grading permit from the City of Bellevue that incorporates the stair and pathway and mitigation planting.

Authority: Land Use Code 20.30P.140  
Reviewer: Heidi Bedwell, Development Services Department

**C. Noise related to Construction:** Noise related to construction is exempt from the

provisions of BCC 9.18 between the hours of 7:00 a.m. and 10:00 p.m. Monday through Friday, 9:00 a.m. and 10:00 p.m. on weekends. Operation of heavy equipment is limited to 7:00 a.m. and 6:00 p.m. Monday through Friday and 9:00 a.m. and 6:00 p.m. on Saturday. No work is permitted on legal holidays.

Authority: Bellevue City Code 9.18  
Reviewer: Heidi Bedwell, Development Services Department

**D. Buffer and Structure Enhancement:** The applicant shall submit the proposed enhancement plan, includes mitigation plantings for impacts to the site associated with the addition of impervious surface in the structure setback. Any modifications to this plan need to be reviewed and approved by the Development Services Department.

Authority: Land Use Code Section 20.25H.220  
Reviewer: Heidi Bedwell, Development Services Department

**E. Landscape Installation and Maintenance Security:** The applicant must submit a combined Landscape Installation and Maintenance Security in the amount of 100 percent of the costs of site restoration, including labor, materials. The security may be released after the vegetation has successfully been installed and maintained for a period of five years and inspected by the City of Bellevue.

Authority: Land Use Code Section 20.25H.220.D  
Reviewer: Heidi Bedwell, Development Services Department

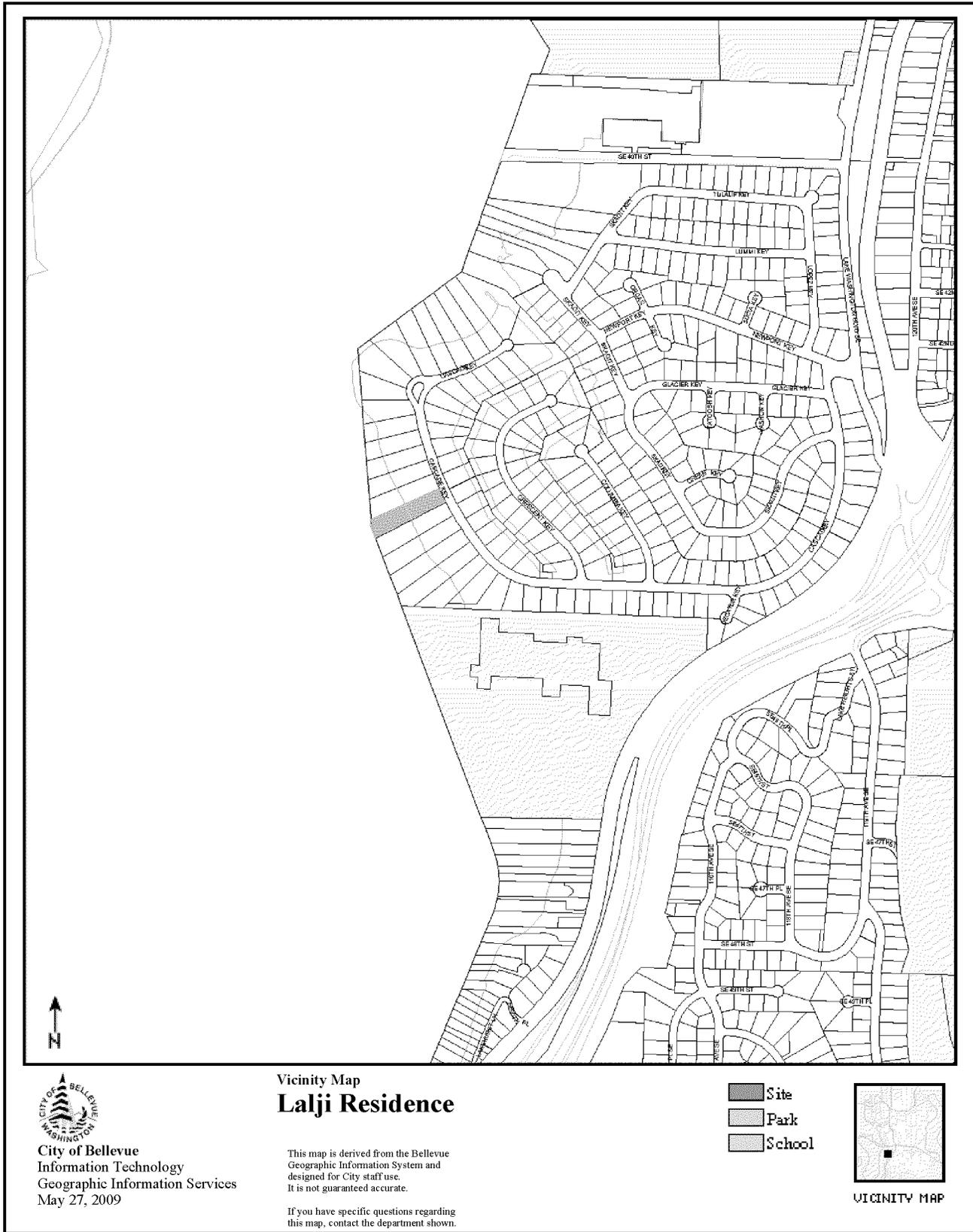
**F. Monitoring Plan:** Critical Areas enhancement plans must include a photo monitoring and maintenance program to objectively gauge the success of mitigation. This monitoring should be conducted annually for a period of not less than five years and the photographic report should be submitted to the City of Bellevue, Development Services Department. The enhancement shall be inspected immediately after construction and inspections should occur on a yearly basis from the first inspection date. Deviations from the planting plan need to be approved by the City of Bellevue prior to installation and should be reflected on the as-built drawing.

Authority: Land Use Code Section 20.25H.220  
Reviewer: Heidi Bedwell, Development Services Department

## **XI. Attachments:**

1. Vicinity Map

## 2. Site and Enhancement Plans



City of Bellevue  
 Information Technology  
 Geographic Information Services  
 May 27, 2009

Vicinity Map  
**Lalji Residence**

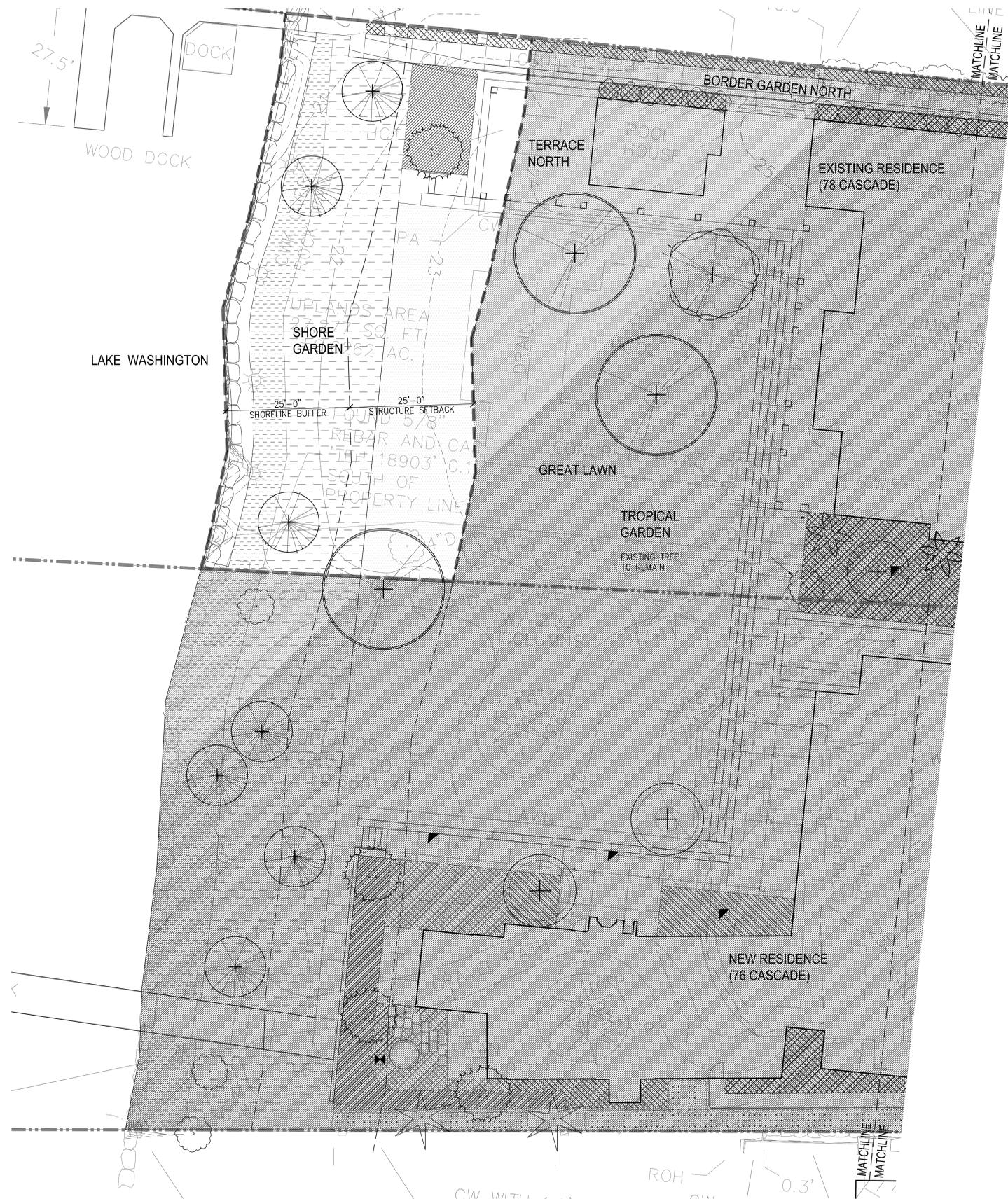
This map is derived from the Bellevue Geographic Information System and designed for City staff use. It is not guaranteed accurate.

If you have specific questions regarding this map, contact the department shown.

- Site
- Park
- School



VICINITY MAP



TREES: AREA B

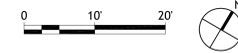
SYMBOL	QTY.	BOTANICAL NAME	COMMON NAME	SIZE
	12	ACER CIRCINATUM	VINE MAPLE	MULTI 6-8' MIN 3 STEM
	2	CERCIDIPHYLLUM JAPONICUM	KATSURA	4" CAL.
	1	CORNUS X 'STARLIGHT'	STARLIGHT DOGWOOD	3" CAL.
	3	CORNUS X 'VENUS'	VENUS DOGWOOD	3" CAL.
	1	MAGNOLIA GRANDIFLORA	EVERGREEN MAGNOLIA	6" CAL. (TRANSPLANTED)
	1	MUSA BASJOO	HARDY FIBER BANANA	15 GAL.
	1	STEWARTIA MONADELPHA	TALL STEWARTIA	3" CAL.

GROUNDCOVER, PERENNIALS + GRASSES: AREA B

TROPICAL GARDEN				
SYMBOL	QTY.	BOTANICAL NAME	COMMON NAME	SIZE
	320	PACHYSANDRA TERMINALIS	JAPANESE SPURGE	1 GAL.
BORDER GARDENS				
SYMBOL	QTY.	BOTANICAL NAME	COMMON NAME	SIZE
	250	PACHYSANDRA TERMINALIS	JAPANESE SPURGE	1 GAL.
THE SANCTUARY				
SYMBOL	QTY.	BOTANICAL NAME	COMMON NAME	SIZE
	50	CEANOTHUS GLORIOSUS 'EMILY BROWN'	EMILY BROWN CEANOTHUS	3 GAL.
SHORE GARDEN				
SYMBOL	QTY.	BOTANICAL NAME	COMMON NAME	SIZE
	1000	FRAGARIA CHILOENSIS	BEACH STRAWBERRY	4" POTS
	125	GAUTHERIA SHALLON	SALAL	1 GAL.
	25	SPIREA DOUGLASII	ROSE SPIREA	1 GAL.
	1000	FRAGARIA VESCA	WOODLAND STRAWBERRY	4" POTS
	125	GAUTHERIA SHALLON	SALAL	1 GAL.
	75	SYMPHORICARPOS SNOWBERRY	SNOWBERRY	1 GAL.
OTHER				
SYMBOL	QTY.	BOTANICAL NAME	COMMON NAME	SIZE
		TURF GRASSES		

NOTES:

- LANDSCAPE ARCHITECT TO FIELD SELECT SOME EXISTING TREE AND SHRUBS TO BE HELD AT ON-SITE NURSERY.
- CONTRACTOR SHALL IRRIGATE ALL PROPOSED AND EXISTING PLANT MATERIAL FOR THE DURATION OF THE PROJECT INCLUDING PLANT MATERIAL TEMPORARILY PLANTED IN ON-SITE NURSERY.
- LANDSCAPE ARCHITECT TO FIELD LOCATED TREES AND SHRUBS FROM ON-SITE NURSERY DURING PLANT INSTALLATION.
- ALL DIMENSIONS ARE TO CENTER OF PLANT UNLESS OTHERWISE NOTED.
- MULCH SHALL BE INSTALLED TO A DEPTH OF 3-INCHES IN ALL PLANTING AREAS EXCEPT TURF GRASS AREAS.
- SHADED AREA FOR REFERENCE ONLY.



1 PLANTING PLAN: TREES AND GROUNDCOVER AREA B  
SCALE: 1" = 10'-0"

principal landscape architect CA  
project manager MA  
drawn by CM/HRA  
checked by  
job no. 07009.01  
date

revisions:  
Revision 1 05.19.2009

no. ref. date by  
Critical Area Permit SET  
Feb 19, 2008



principal \_\_\_\_\_ CA  
project architect \_\_\_\_\_ CA  
project manager \_\_\_\_\_ MA  
drawn by \_\_\_\_\_ CM/HRA  
checked by \_\_\_\_\_  
job no. 07009.01  
date \_\_\_\_\_

revisions:  
Revision 1 05.19.2009

no. ref. date by  
Critical Area Permit  
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Feb 19, 2008



SHRUBS + VINES: AREA B

SYMBOL	QTY.	BOTANICAL NAME	COMMON NAME	SIZE
	28	BUXUS SEMPERVIRENS	ENGLISH BOXWOOD	24" HT.
	4	COLOCASIA ESCULENTUM	ELEPHANT EARS	TUBERS
	3	CORNUS SERICEA	CREEK DOGWOOD	2 GAL.
	10	CROCOSIMA MASONIORUM	GIANT MONTBRETIA	1 GAL.
	9	DAPHNE ODORA	WINTER DAPHNE	2 GAL.
	2	LAGERSTROEMIA INDICA 'PEPPERMINT LACE'	PEPPERMINT LACE GRAPE MYRTLE	15 GAL.
	4	OSMANTHUS X BURKWOODII	BURKWOOD OSMANTHUS	5 GAL.
	5	RHODODENDRON X 'YAKU PRINCESS'	YAKU PRINCESS RHODODENDRON	5 GAL.
	14	SARCOCOCCA RUSCIFOLIA	FRAGRANT SARCOCOCCA	2 GAL.

NOTES:

1. SHADED AREA FOR REFERENCE ONLY.



1 PLANTING PLAN: SHRUBS AREA B  
SCALE: 1" = 10'-0"